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**Ensuring effective implementation of the Sustainable Development Goals through leadership, action and means: development of principles of effective governance**

# Towards a set of internationally recognized principles of responsible and effective governance

## Note by the Secretariat

*Summary*

At its fifteenth session, the Committee of Experts on Public Administration discussed the possibility of developing a set of internationally recognized principles of responsible and effective governance. The Committee agreed that such a set of principles, which should be few in number, expressed in non-technical language and relatively easy for non-specialists to recall, could provide helpful guidance to countries in addressing a broad range of governance issues associated in particular with implementation of the 2030 Agenda for Sustainable Development. The Committee decided to continue with its consideration of the matter at its sixteenth session. The present follow-up note on the subject was prepared by the Secretariat in consultation with Committee members Margaret Saner, Meredith Edwards and Mushtaq Khan.

The note recalls that there are three main governance threads in the 2030 Agenda: institutions that are (a) effective, (b) accountable and (c) inclusive, at all levels. Achievement of these objectives is to be guided by the purposes and principles of the Charter of the United Nations and in full respect for international law and human rights, as well as the principle of leaving no one behind and a myriad of other high-level commitments adopted at the United Nations. Such principles of effective governance, while widely agreed and tremendously important, may be largely aspirational for many countries and difficult to achieve in the short term.

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The challenge for many countries is to think about feasible improvements in governance capabilities starting from where they are and to focus pragmatically and selectively on key problem areas according to different contexts and capacities. With this in mind, the present note suggests a way of looking at governance concepts in international agreements and, taking into account the realities of public sector reform dynamics, proposes that principles of effective governance, expressed with an adequate level of detail, should be linked to a variety of good practices to implement them, and possibly in an extended version at a later stage, to operational guidelines and case studies at national and subnational levels.

# I. Background

1. At its fifteenth session, the Committee of Experts on Public Administration discussed the possibility of developing a set of internationally recognized principles of governance, drawing on an initial paper prepared by the Secretariat.[1] As part of its continuing effort to provide more action-oriented advice on public administration, the Committee agreed that such a set of principles, which should be few in number, expressed in non-technical language and relatively easy for non-specialists to recall, could indeed provide helpful guidance to countries in addressing a broad range of governance issues, with regard in particular to the ongoing implementation of the 2030 Agenda for Sustainable Development.

2. The Committee noted that a set of principles of governance could also serve as a benchmark against which propositions such as inclusion, accountability and effectiveness could be tested by civil society groups and academia, among others. The principles might, moreover, inform a global research agenda for public administration and development.

3. The Committee decided to continue with its consideration of the issue at its sixteenth session and requested the Secretariat to prepare a follow-up note on the subject in consultation with interested members. It was stressed that any eventual set of recommendations by the Committee must be guided by the purposes and principles of the Charter of the United Nations and grounded in the Universal Declaration of Human Rights and international human rights treaties. The effort should also be substantially consistent with the outcomes of the major United Nations conferences and summits, as well as with relevant resolutions of the General Assembly and the Economic and Social Council.

# II. Purpose and scope

4. The 2030 Agenda for Sustainable Development embodies a comprehensive, people-centred and universal vision for humanity and the planet. Governance challenges will be correspondingly far-reaching and involve stakeholders at all levels.

5. Governance has been defined as the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences.[2] It also describes what States do, their capacity to do these things and how well they do what they are supposed to do. In these definitions, there are indications of both the process of interaction among State and non-state actors and the institutional arrangements that support them. Good governance standards such as those found in the 2030 Agenda are thus aspirational and describe a number of very broadly defined capabilities such as the rule of law, low aggregate levels of corruption and participatory and representative decision-making at all levels.

[1] Available from http://workspace.unpan.org/sites/Internet/Documents/UNPAN96160.pdf.

[2] See United Nations Governance and Public Administration Online Glossary. Available from http://www.unpan.org/Directories/Glossary/tabid/1398/language/en-US/Default.aspx.

6. These characteristics of good governance may not be easy to achieve immediately. The challenge for many countries is to think about feasible improvements in governance capabilities starting from where they are and to focus pragmatically and selectively on key problem areas according to different country contexts and capacities. For many countries the immediate governance capabilities that are relevant may be narrowly defined: how to improve the appointment of bureaucrats, how to improve the construction of infrastructure, or how to reduce specific types of corruption in health delivery, for example. Here the distant good governance aspirations are not much help and can even distract and undermine important initiatives, on the grounds that they do not satisfy the aspirational criteria. The effective governance agenda thus needs to be clarified and made more operational.

7. To illustrate further, some contexts may require specific improvements that may not even look like improvements in good governance in the aspirational sense, for example to enhance the efficiency of tax administration, but these targeted improvements may be necessary to promote development and create the foundation for the broader aspects of good governance to become implementable. Such actions are implicit in, and entirely consistent with, existing long-term aspirational definitions that can be found in the international discourse. A further challenge is to understand the context-specific dynamics and yet have a universal reference point to guide progress in good governance at the national and subnational levels across all the Sustainable Development Goals and targets.

## III. Governance concepts in international agreements

### Delimitation of broad issue areas

8. In keeping with the mandate of the Committee, the members agreed that the focus of governance principles should be on supporting implementation of the 2030 Agenda, recognizing that the priorities are specific to each country and will be conditioned to a large degree by the political feasibility of particular reforms. In the 2030 Agenda there are three main governance strands:

(a) Effective institutions at all levels;

(b) Accountable institutions at all levels;

(c) Inclusive institutions at all levels.

9. A similar depiction of governance was described in broad strokes during the fifteenth session of the Committee, encapsulating aspects of democratic governance (as set out, for example, in the European Charter of Local Self-Government), stable government (as championed by the international financial institutions) and effective institutions (as elaborated by the Committee and others).

10. In order to establish a solid international footing for a provisional taxonomy, the Secretariat has made an attempt to classify references to major governance principles and practices as contained in some of the more pertinent United Nations documents. This non-exhaustive scan covered, first of all, the 2030 Agenda for Sustainable Development, as well as the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, the New Urban Agenda,

the United Nations Convention against Corruption and various human rights instruments. A sampling of relevant General Assembly and Economic and Social Council resolutions of the past five years was also included. References were organized by concept (e.g. non-discrimination, participation), element (statement of purpose, definition or generally accepted practice), legal weight (international law or non-binding commitment) and source.

11. The result was the identification of 10 major concepts that might be considered nascent versions of the "principles" within the framework of the main governance strands of the 2030 Agenda: namely effectiveness, accountability and inclusiveness. These concepts could be expressed in their most basic form as follows:

(a) Elements of effectiveness, comprising principles of competence, sound public policy and cooperation;

(b) Elements of accountability, comprising principles of integrity, transparency and independent oversight;

(c) Elements of inclusiveness, comprising principles of non-discrimination, participation, subsidiarity and intergenerational equity.

12. Recalling the Committee's advice that the principles should be few in number, even if there are many attendant practices of an evolving nature, and based on the findings of the initial scan of United Nations commitments, a general taxonomy of principles is shown in the annex to the present note. The taxonomy is a first step and is intended to stimulate discussion of the basic elements of a future set of principles and a conceptual framework for their further elaboration. It is understood that there are other sources from the World Bank, donor agencies, public administration associations, the open government movement and so on, which may need to be taken into account, particularly when it comes to sectoral issues, although these may have less in the way of political backing and legitimacy.

13. There will also be articles of international law that have an impact on, for example, customs and international transport functions. These may be marginal to this exercise in some respects but should be acknowledged. In whatever way they may be arranged, the principles of governance should be useful to public servants and others not only at the national level but also at subnational levels, and across all functions of government, acknowledging that some principles and their expression in practice may have more relevance in some areas than in others.

14. Political systems will naturally also have some bearing on the way that particular governance improvements are realized, but internationally recognized principles should not imply any view on the political systems themselves. In this regard, it is recalled that in its resolution 70/168, the General Assembly reaffirmed that democracy is a universal value based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. Just as there is no single model of democracy, there is no single way of organizing responsive and effective institutions, although such institutions may share common features.

**Questions of terminology and format**

15. The Committee stressed that it was not the intention to "write a book" or "change the meaning of words". It is intended that relevant terms as denoted in various agreements, such as the Charter of the United Nations and the 2030 Agenda, be used as a starting point and connected to relevant references, some of which may constitute definitions of a sort. The aim would be to encapsulate the core meanings of relevant terms although in some instances the terms may have been used precisely because they mean all things to all people.

16. A consensus emerged during the fifteenth session of the Committee that a helpful approach may be to identify widely agreed concepts of effective governance however they may be defined (such as "participation"), articulate them as brief statements of some depth (e.g. "To have an effective State, you must include all significant political groups and opinions in your country and all significant groups must have a chance of influencing policy"), and indicate a number of good practices by which such principles may be realized. The view was that the principles and any related practices should be concrete and substantive while also being sufficiently general and non-prescriptive to elicit broad support.

17. A suggestion was made that there might also be some form of "maturity model" incorporated in the elaboration of a framework with a view to supporting an assessment of the degree of progress in various facets of governance and point out areas of potential improvement, or simply an indication of the priority of certain elements. At the same time, it is acknowledged that a maturity model may more easily apply at the level of operational guidelines, as with the practice of open government. Similarly detailed standards could be linked to the principles and practices of effective governance at a later stage. Indeed, it is likely that a great deal of work has already been undertaken by international organizations and others in the elaboration of operational guidelines in many areas of interest.

**Recognition of national initiatives**

18. There is a certain level of expectation internationally derived from the key documents as to "professional" standards for a public service, but there is also clearly scope for enhancing performance beyond basic standards. Some countries may have their own legislation that in some cases goes further than that which is internationally agreed. In practice, some countries may try to establish a basic common standard across government, while others might pick certain areas for improvement with a view to transferring the experience to other policy areas.

19. The experience of the Australian National Audit Office may be a case in point. The Office recommends adherence to similar principles of performance orientation, openness, transparency and integrity, and effective collaboration, but also with mention of the need for "fit for purpose" and strong leadership as the five fundamentals of public sector governance. One could consider moving from principles to practice in that country, for example, by using the guidance provided by the Office and other such descriptions of key focus areas.[3] Similarly, the Public Service Commission of Kenya promotes a code of governance detailing practices

[3] Australian National Audit Office, *Public Sector Governance: Strengthening Performance through Good Governance* (Barton, June 2014).

that promote effectiveness, transparency and disclosure, accountability, risk management, internal controls, ethical leadership and good corporate citizenship on the part of State corporations.[6]

# IV. Practical considerations

### Governance improvements in the context of development

20. Devising an immediate governance agenda involves a series of steps: (a) identifying development priorities for the country; (b) identifying the governance weaknesses that prevent achieving the objectives; and (c) achieving improvements in effective governance to improve progress in ways that comply with maximizing inclusion and operating legitimately, ethically and transparently. When thinking at this level of detail, a host of governance challenges emerge that would not have been obvious if thinking about the big picture of "good governance".

21. This raises the question as to whose interest it is to improve governance and what the aims may be. The altruistic objective of integrity in public administration, fair competition for a country's business sector, fair treatment and human rights, prevention of "theft" of public money, improved business performance and problem-solving to the advantage of a country and the broader focus on people may all be possibilities when translating principles into practices on the ground that are both country and context dependent.

22. For policies to achieve development outcomes, institutions must be of benefit to people and promote honest and responsive government by performing three key functions: enabling credible commitment, enhancing coordination, and inducing implementation and cooperation. Thus, laws and institutional forms matter only to the extent that they are able to generate these functions so as to induce the behaviour of actors necessary to implement the desired policies.

23. Effective performance of these three functions is shaped by the policy arena through which State and non-state actors interact to design and implement policies. Specifically, the relative power of different actors in the arena is critical to enabling, or constraining, policy effectiveness. Unhealthy power asymmetries can lead to persistent policy failure through exclusion, institutional capture and clientelism. Ideally, the law serves to provide checks and balances on the exercise of power, but it may end up either reflecting the interests of the powerful, or giving way to informal deals.

24. The capacity of elites, citizens and international actors to act independently and to make their own free choices can reshape the policy arena to expand the set of effective implementable policies. Ultimately this requires changes in the incentives of actors to pursue reforms, a shift in actors' preferences and beliefs, and changes in the way decision-making occurs to enable marginalized actors to express their views and contribute to or contest policy proposals. Law can be a powerful instrument to reshape the policy arena by changing the payoffs that in turn affect incentives, by

[6] Kenya, Public Service Commission and State Corporations Advisory Committee, *Mwongozo: The Code of Governance for State Corporations* (January 2015).

enhancing focal points around which coordination can occur, and by increasing contestability by underrepresented actors.[5]

25. To address these political dynamics on the ground, one Committee member found it helpful to get away from technical language and to think about who makes the decisions, what resources are allocated, why decision went the way they did, and so on. That then leads to subordinate questions about vested interests (Who?), the procurement process and the relative spend/value for money (What resources?), and so on. If writing a guide for civil society or the general public it might be aimed at helping them to understand what questions they could ask and what answers might be satisfactory, that is, what their expectations should be of government administration, for example whether an administrative practice could be considered fair and reasonable under a country's constitution.

**Outcomes versus rules and the progressive realization of objectives**

26. In addition to being relevant, specific and non-prescriptive, a practice may be considered "good" if there are strong empirical links to principles of effective governance, that is, between pragmatic improvements in governance and the ultimate outcomes of interest. In some respects, the evidence base will be quite extensive, providing as it does the foundation for widespread agreement on administrative norms and guidelines at the international and regional levels.

27. One member of the Committee observed that all too often one sees rule-based frameworks set up in countries to deal with important issues, such as participation or corruption, only to see the rules circumvented in clever ways. The difficultly is that when underlying attitudes do not change, informal workarounds may simply be established so as to suggest that the framework is in place while enabling historical behaviour to continue.

28. By way of example, there are countries that view an annual event with business and civil society as consultation. This arms-length practice results from legislation dating back a number of years prohibiting public servants from speaking with non-state sectors. The original intention was to support integrity in the public service, but the rule is now so entrenched that anyone outside the public service is seen as a risk rather than as a body or person with a right to be consulted. The legislation can further lead to nepotism and corruption because of secret and restricted relationships, even though all the necessary requirements have been fulfilled.

29. The behaviour of public servants is constrained in many ways and it is entirely reasonable for it to be constrained by codes of conduct, legislation and/or managerial guidelines. Nonetheless, those who are interested in adopting certain practices should do so with a view to promoting policy objectives, consistent with agreed governance principles, and in order to maintain a focus on development outcomes in their ongoing administration.

[5] For a discussion of how unequal distribution of power in a society interferes with policy effectiveness, see *World Development Report 2017: Governance and the Law* (World Bank, Washington, D.C., 2017).

30. Consistent with the above is the notion of solving particular problems in particular local contexts through the creation of an authorizing environment for decision-making that encourages delegation and experimentation. This would give rise to active, ongoing and experiential (and experimental) learning and the iterative feedback of lessons into new solutions, by engaging broad sets of agents to ensure that reforms are viable, legitimate and relevant, that is, are politically supportable and practically implementable.[6]

31. For similar reasons, it is suggested that indicators not be included in the basic framework of governance principles. However, existing work on indicators may be of interest inasmuch as established indicators could refer to practices that are in turn linked to general or specific principles of responsible and effective governance. A relevant initiative in this area is the global indicator framework of the Inter-Agency and Expert Group on Sustainable Development Goal Indicators. Also relevant are the oft-cited World Bank governance indicators and Organization for Economic Cooperation and Development (OECD) public sector statistics.

## V. A way forward

32. Bearing all of the foregoing in mind, the challenge will be to begin in such a way that the principles and practices can be developed into a useful, practical resource of an ongoing and evolving nature while also leaving room for the possibility of connecting the work to helpful operational standards and case studies at a lower level in due course. Of the formats presented in the initial paper by the Secretariat at the fifteenth session of the Committee, the Declaration of Principles for International Statistics came closest to encapsulating the Committee's general view of how to structure the work and how much detail would be appropriate.[7]

33. An eventual advantage of this work over other operational guidelines, such as the European Union/OECD principles of public administration, could be their universality, explicit link to the 2030 Agenda, and simplicity. Greater weight and priority might be given to any practice enshrined in law or in an agreement which is binding, that is, one that has a dispute resolution process and/or defines jurisdiction in the event of a dispute. Such practices, with a legal basis or not, should be backed up by empirical evidence, recognizing again that the particular application may be different in different contexts. An effort would be needed to locate the relevant empirical evidence in the literature for each practice area.

34. The support of interested members of the Committee and of the broader public administration field could be helpful in this respect and could lend greater legitimacy to the exercise. This could entail direct contributions and consultations, for example on the part of the members, and/or further scholarly review and public scrutiny of the taxonomy, as revised, in particular of empirical links between the principles and practices. Links to more detailed technical guidelines and case

[6] Based on the work of Woolcock, etc.; see also Sabel.

[7] See the document entitled "Declaration of principles for statistical activities in international organizations" (available from http://unstats.un.org/unsd/accsub/2005docs-5th/sa-2005-2.pdf), which was prepared in February 2005 on the basis of the Fundamental Principles of Official Statistics adopted by the Statistical Commission in April 1994 and the guiding principles for good practices in technical cooperation for statistics, adopted by the Commission in March 1999.

studies for each practice area, at different levels and in connection with different Sustainable Development Goals, could also be helpful.

35. As a first step, interested members of the Committee may wish to: (a) provide further guidance on the overall approach and basic features of a set of internationally recognized principles of responsive and effective governance; and (b) review and comment, as appropriate, on the indicative elements arising from the initial scan of United Nations commitments.

# Annex

## Indicative elements of a set of internationally agreed principles of effective governance (for discussion)

| *Principle* | *Examples of good practices to implement this principle* | *Related references* |
|---|---|---|
| **Elements of effectiveness** | | |
| 1. Competence | Professional civil service | International Covenant on Economic, Social and Cultural Rights, articles 6 (2) and 7 (c); Convention on the Rights of Persons with Disabilities, article 4 (1) (i); Convention against Corruption, article 7 (1) |
| | Proper financial management | Addis Ababa Action Agenda, paras. 20, 22, 37, 93, 95, 98 and 118; New Urban Agenda, para. 152 |
| | Performance management | 2030 Agenda, paras. 74, 77 and 79; Addis Ababa Action Agenda, para. 129; New Urban Agenda, para. 158 |
| | Efficiency in delivery of public services | |
| | Economy in public expenditure | |
| 2. Sound public policy | Regulatory quality management | Convention against Corruption, article 5 (3); Addis Ababa Action Agenda, paras. 36 and 116 |
| | Policy coherence | 2030 Agenda, para. 13 and target 17.14; New Urban Agenda, paras. 47, 72, 80, 86 and 88 |
| | Risk management | New Urban Agenda, paras. 30, 78 |
| 3. Cooperation | Non-interference | Convention against Corruption, article 4 (1); International Covenant on Civil and Political Rights, article 1; 2030 Agenda, paras. 18, 21, 38 and 55 |
| | Friendly relations | International Covenant on Economic, Social and Cultural Rights, articles 2 (1), 13(1) and 15 (4); Convention against Corruption, articles 46 (1) and 60 (2) |
| | Public, public-private and civil society partnership | 2030 Agenda, para. 45; New Urban Agenda, paras. 21, 48, 81, 82, 153 and 154; Addis Ababa Action Agenda, paras. 10, 48 and 87 |

| *Principle* | *Examples of good practices to implement this principle* | *Related references* |
|---|---|---|
| **Elements of accountability** | | |
| 4. Integrity | Promotion of public interest and ethics | Convention against Corruption, article 6 (1) (b) |
| | Countries have legislation that prohibit corruption; corruption prevention legislation is enforced | Convention against Corruption, article 5 (1) |
| | Countries have an anti-corruption agency; the anti-corruption agency is free of political interference | Convention against Corruption, article 6 (1) and (2) |
| | Adherence to rule of law | Convention against Corruption, article 11 (1); 2030 Agenda, target 16.3 |
| | Privacy protection | Convention on the Rights of Persons with Disabilities, article 22 |
| 5. Transparency | Access to information | Convention on the Rights of Persons with Disabilities, articles 4 (1) (h) and 21; International Covenant on Economic, Social and Cultural Rights, article 15 (2); Convention against Corruption, articles 7 (4) and 10; Addis Ababa Action Agenda, paras. 26 and 127 |
| | Open government | Addis Ababa Action Agenda, para. 125; New Urban Agenda, para. 160 |
| | Freedom of the media | Addis Ababa Action Agenda, para. 20 |
| 6. Independent oversight | Financial disclosure requirements are in place for public servants; these rules operate in practice | |
| | Active civil society | Convention against Corruption, article 13 (1) |
| | Independence of courts | |
| | Access to justice | 2030 Agenda, target 16.3 |
| | Independent oversight institutions | Addis Ababa Action Agenda, para. 30 |

| *Principle* | *Examples of good practices to implement this principle* | *Related references* |
|---|---|---|
| **Elements of inclusiveness** | | |
| 7. Non-discrimination | Access to public service on general terms of equality | International Covenant on Civil and Political Rights, article 25 (c); Convention on the Rights of Persons with Disabilities, article 9 (1); International Convention on the Elimination of All Forms of Racial Discrimination, article 5 (f); 2030 Agenda, para. 25; Addis Ababa Action Agenda, para. 12 |
| | Equal treatment before the law | International Covenant on Civil and Political Rights, article 14.1; International Covenant on Economic, Social and Cultural Rights, article 3; Convention on the Rights of Persons with Disabilities, article 5 (2) |
| | Inclusion | International Convention on the Elimination of All Forms of Racial Discrimination, article 7; Convention on the Rights of Persons with Disabilities, articles 19, 24 and 27 (1) (g); Addis Ababa Action Agenda, para. 21; New Urban Agenda, paras. 40 and 42 |
| | Equitable fiscal and monetary policy | Addis Ababa Action Agenda, para. 91 |
| | Social equity | 2030 Agenda, paras. 4, 8 and 19; New Urban Agenda, para. 11; Convention on the Rights of Persons with Disabilities, article 1; International Covenant on Economic, Social and Cultural Rights, articles 7 (a) and 9 |
| 8. Participation | Public consultation | Convention on the Rights of Persons with Disabilities, article 4 (3); Addis Ababa Action Agenda, article 30 |
| | Equality of opportunity | International Covenant on Civil and Political Rights, article 3; 2030 Agenda, para. 20; New Urban Agenda, para. 27; International Convention on the Elimination of All Forms of Racial Discrimination, article 5 (c) |
| | Representation | International Covenant on Civil and Political Rights, article 25 (a); Convention on the Rights of Persons with Disabilities, article 29 (a) |

| *Principle* | *Examples of good practices to implement this principle* | *Related references* |
|---|---|---|
| | Voice | International Covenant on Civil and Political Rights, article 2.1; Convention on the Rights of Persons with Disabilities, article 29 (b); New Urban Agenda, paras. 14 and 41 |
| 9. Subsidiarity | Fiscal, political and administrative decentralization | 2030 Agenda, para. 34; New Urban Agenda, paras. 15, 16, 87, 89, 135 and 136 |
| | Territorial planning and spatial development | New Urban Agenda, paras. 15 and 49 |
| 10. Intergenerational equity | Sustainable development | 2030 Agenda, paras. 18 and 34; Addis Ababa Action Agenda, para. 1 |